

### **REMARKS**

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Examiner has not stated any objections to the drawings. Accordingly, Applicants believe the drawings are acceptable.

Applicants also thank the Examiner for meeting with Applicants' representatives, Arnold Turk and Steven Wegman, on March 27, 2007 to discuss the present application to advance the application to issue. During the interview, it was indicated that the withdrawn claims would be canceled, along with claims 21, 56, 57, 64 – 66, 68 and 75. It was also discussed that claims 67, 76 and 77 would be placed into independent form. The 35 U.S.C. §103 rejection of independent claims 54, 60, 63 and 69 (along with dependent claim 77) were discussed. Based upon the discussion, the Examiner indicated that she would withdraw the 35 U.S.C. §103 rejection of these claims. Further, as will be discussed below, a number of proposed claims to be submitted in this application were discussed.

As noted above, claims 1-20, 22-53, 58, 59, 62, 70-74 and 78-82 have been withdrawn from further consideration. In order to advance the prosecution of the instant application, Applicants cancel, without prejudice, these claims. However, Applicants expressly reserve the right to submit these claims or similar type claims in another application.

Applicants also cancel claims 21, 56, 57, 66-68, and 75, amends claim 65 and 77 to include the subject matter of respective canceled claims 67 and 75, and amend claim 76 (additionally placing claim 76 into independent form) and add new claims 83 – 146

for the Examiner's consideration. Accordingly, claims 54, 55, 60, 61, 63, 67, 69, 76, 77 and 83 – 146 are pending. As noted above, these claims were discussed with the Examiner, who indicated that they would be examined as they are directed to the elected invention.

Claims 21, 56, 57, 64-68, 75 and 76 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,794,207 to WALKER et al. As noted above, Applicants have canceled claims 21, 56, 57, 64-66, 68 and 75 in order to advance the prosecution of the present application. However, such cancellation is not to be taken as an acquiescence of the appropriateness of the rejection. Further, Applicants expressly reserve the right to submit similar type claims in another application, and present arguments for patentability if the rejection is repeated.

Claim 67 is amended to clarify the presently claimed invention, and additionally, to place the claim in independent form. According to an embodiment of the claimed invention, a method is disclosed for providing electronic payment services to users of an Internet auction site. A server is provided that is operable to register a first entity (e.g., an auction site bidder). A deposit account is opened that is specific to the first entity. A server is provided that is operable to monitor the status of an Internet auction. Funds from the first entity's deposit account are provided to a second entity (e.g., a seller) at the close of the Internet auction and the first entity is the winning bidder. Further, the first entity is provided with the option of obtaining either a preferred bond or a standard bond.

Applicants submit that WALKER et al. fails to disclose each and every feature of the present invention, as defined in claim 67. Specifically, Applicants submit that

WALKER et al. fails to at least disclose that the bidder is provided with the option of obtaining either a preferred bond or a standard bond. In this regard, Applicants submit that the bonding of WALKER et al. merely authenticates the identity of the buyers and sellers and verifies the ability of the buyers to pay and the ability of the sellers to deliver on bond conditional purchase orders (see column 27, lines 31-34), but is silent with respect to the type of bidder bond. Applicants' specification clearly distinguishes between a preferred bond and a standard bond, and submits that at least this feature is lacking in WALKER et al. Accordingly, Applicants submit that amended claim 67 is not anticipated by the applied art of record, and respectfully requests such an indication from the Examiner.

Applicants also amend claim 76 to clarify an embodiment of the presently claimed invention, and additionally, to place the claim in independent form. According to an embodiment of the claimed invention, an auction method is disclosed in which a first application is received from a first entity prior to a closing of a first online auction, in which the first application is payment or credit information. A first account related to the first entity is opened or verified. The first account is immediately charged upon the closing of the first online auction when the first entity is a winning bidder in the first auction. A first image is displayed on a computer network that evidences that the first entity has opened the first account.

Applicants submit that WALKER et al. fails to disclose each and every feature of the present invention, as defined in claim 76. Specifically, Applicants submit that WALKER et al. fails to at least disclose that an image is displayed on a computer

network that evidences that the first entity has opened an account. Accordingly, Applicants submit that amended claim 76 is not anticipated by the applied art of record, and respectfully requests such an indication from the Examiner.

Regarding the 35 U.S.C. §103 rejection of claims 54, 55, 60, 61, 63, 69 and 77, Applicants submit that WALKER et al. fails to disclose or even suggest the combination of features recited in the various claims. As discussed with the Examiner during the above-noted interview, an obviousness rejection cannot be supported by mere allegations that it would have been obvious to arrive at Applicants' invention. The Examiner is reminded that a rejection should be based upon documentary evidence and should establish a teaching, suggestion and/or motivation in the prior art to make the asserted modification. Thus, Applicants respectfully submit that the rejection is improper.

As noted above, based on the interview of March 27, 2007, the Examiner agreed that WALKER et al. fails to render obvious claims 54, 55, 60, 61, 63, 69 and 77, and indicated that the 35 U.S.C. §103 rejection of these claims would be withdrawn. Applicants thank the Examiner for this indication.

Applicants also submit new claims 83 – 146 for the Examiner's consideration. The subject matter of the new independent claims were discussed with the Examiner during the interview, and the Examiner agreed that they could be submitted in the present application, as she had performed a search for the features specified therein. WALKER et al. fails to disclose or suggest the combination of features recited in the various claims. Accordingly, the Examiner is respectfully requested to indicate the allowability of the newly submitted claims.

### **Request For Indication Of Deletion Inventor**

Applicants note that a Preliminary Amendment: Request to Delete Inventor was filed August 9, 2004 requesting deletion of David Smith as an inventor as all claims pertaining to Smith's contribution to the invention, claims 16-21 and 57 had been canceled. Applicants hereby request entry of this request, and formal indication that David Smith has been deleted as an inventor.

Authorization is hereby provided to charge any fee necessary to enter the request and/or to delete David Smith as an inventor to Deposit Account No. 19-0089.

### **Submission of Copy of International Search Report**

An Information Disclosure Statement was filed August 29, 2001 wherein two U.S. patents are cited. To ensure completeness of the record, Applicants note that these two U.S. patents are cited in the International Search Report issued in connection with counterpart PCT/US01/14207, filed May 3, 2001, which published as WO 01/84443 A1 on November 8, 2001, and claims priority from Provisional Application No. 60/201,483, and enclose a copy of the International Search Report.

While a fee should not be necessary, authorization is hereby provided to charge any necessary fee for review of the International Search Report to Deposit Account No. 19-0089.

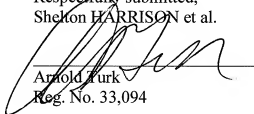
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should an extension of time be required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. Authorization is provided herein to charge any fee necessary to maintain pendency of the application, including any extension of time or claim fee, to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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